

CENTER FOR HUMAN RIGHTS & CONSTITUTIONAL LAW

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*Additional Plaintiffs' counsel on next page*

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

JENNY LISETTE FLORES, *et al.*,

Plaintiffs,

v.

WILLIAM BARR, Attorney General, *et al.*,

Defendants.

Case No. CV 85-4544-DMG(AGRx)

STIPULATION RE HOMESTEAD  
MOTION TO ENFORCE

Before Hon. Dolly M. Gee  
Hearing: None scheduled

1 *Counsel for Plaintiffs, continued*

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1           On June 28, 2019, Plaintiffs filed a Motion to Enforce the Settlement  
2           (“Motion”) regarding the detention of class members at Homestead  
3           (“Homestead”). [Doc. # 578]. On June 10, 2019, this Court referred the Motion to  
4           the Special Monitor (“Monitor”) for a Report and Recommendation pursuant to  
5           Paragraph A.2 of the Appointment Order [Doc. # 553]. On August 2, 2019,  
6           Defendants’ filed their Response in Opposition to the Motion. (“Opposition”)  
7           [Doc. # 609]. On August 2, 2019, Defendants also filed a Motion to Exclude  
8           Plaintiffs’ Declarations and Request for an Evidentiary Hearing Before the Special  
9           Master (“Motion to Exclude”). [Doc. # 612]. On August 6, 2019, the Court  
10          referred the Motion to Exclude to the Monitor. [Doc. # 616]. On August 23, 2019,  
11          Plaintiffs filed their Reply to Defendants’ Opposition to Motion to Enforce  
12          (“Reply”) [Doc. # 629], and their Partial Opposition to Defendants’ Motion to  
13          Exclude Evidence and for an Evidentiary Hearing (“Opposition to Motion to  
14          Exclude”). [Doc. # 630].

15           Defendants have provided Plaintiffs with a declaration executed under  
16          penalty of perjury by Jonathan H. Hayes, Director of the Office of Refugee  
17          Resettlement ("ORR"), dated August 14, 2019 (“Hayes Dec.”). Mr. Hayes  
18          declares in part that: (1) as of July 3, 2019, ORR stopped placement of class  
19          members at Homestead, (2) as of the date of the declaration, no class  
20          members remained at Homestead and the facility was not accepting referrals,  
21          (3) ORR has increased resources to fund state-licensed facilities thereby

1 reducing the need for class members to remain in influx facilities such as  
2 Homestead, (4) Homestead is currently operating with reduced staff for the  
3 purpose of allowing the possibility that Homestead could be quickly reopened in the  
4 event the number of class members referred to ORR increases significantly, and  
5 (5) ORR “does not expect to place [class members] at Homestead in the near  
6 term ... [and] [b]arring a dramatic increase in [class members] referred to ORR  
7 and/or a decrease in licensed beds through unforeseen circumstances,”  
8 Defendants “do not expect ORR to place [class members] at Homestead in the  
9 coming weeks and possibly months.”

10 Based on the Hayes declaration, and to preserve judicial resources, the  
11 parties Stipulate as follows:

12 1. Both the Special Monitor’s and the Court’s consideration of Plaintiffs’  
13 Motion to Enforce and Defendants’ request for an evidentiary hearing and the  
14 conduct of any hearing should a hearing be granted, as well as the submission of  
15 any report and recommendations to the Court by the Special Monitor, are to be held  
16 in abeyance.

17 2. Defendants agree that within five business days of making a decision to  
18 resume placement of class members at Homestead they will notify the Special  
19 Monitor and Plaintiffs’ class counsel of this decision, and provide the date on which  
20 such placements commenced or are planned to commence.

1           3. On or before September 20, 2019, Defendants may file a combined  
2           surreply to Plaintiffs' Reply to the extent they believe it raises new issues they have  
3           not already addressed, and their reply to Plaintiffs' Opposition to Defendants'  
4           Motion to Exclude. The parties agree to this schedule to ensure that in the event the  
5           use of Homestead is resumed, or Plaintiffs or Defendants wish to resume the  
6           litigation of the Motion following the mediation addressed in Paragraph 4 below,  
7           any issues not resolved through mediation can be promptly resolved.  
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9           4. Once briefing has been completed, and while the pending motions are  
10          being held in abeyance, the parties will conduct an in-person mediation session with  
11          the Special Monitor. The parties will meet and confer no later than September 20,  
12          2019 to agree on a date for such mediation session to be held on or prior to October  
13          31, 2019. Plaintiffs or Defendants may withdraw from the terms of Paragraph 1 of  
14          this Stipulation and resume litigation of the Motion at any time following the  
15          mediation held pursuant to this Paragraph, or upon Defendants' resuming the  
16          placement of class members at Homestead.  
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18           A proposed Order is being submitted herewith.  
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2 Dated: September 6, 2019

/s/Peter Schey  
Class Counsel for Plaintiffs  
CENTER FOR HUMAN RIGHTS &  
CONSTITUTIONAL LAW  
Peter A. Schey  
Carlos Holguín  
Rachel Leach

/s/ Sarah Fabian  
Counsel for Defendants  
U.S. DEPARTMENT OF JUSTICE  
Sarah B. Fabian  
Senior Litigation Counsel  
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District Court Section

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**CERTIFICATE OF SERVICE**

I, Peter Schey, declare and say as follows:

I am over the age of eighteen years of age and am not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 256 S. Occidental Blvd., Los Angeles, CA 90057.

On September 6, 2019 I electronically filed the following document(s):

STIPULATION RE HOMESTEAD MOTION TO ENFORCE

with the United States District Court, Central District of California by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

/s/Peter Schey  
*Attorney for Plaintiffs*